

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CHEETAH OMNI LLC,

Plaintiff,

v.

**SAMSUNG ELECTRONICS AMERICA,
INC. and MITSUBISHI DIGITAL
ELECTRONICS AMERICA, INC.,**

Defendants.

CASE NO. 6:08-CV-279

Hon. Leonard Davis

**STIPULATION DISMISSING CLAIMS AND COUNTERCLAIMS REGARDING
UNITED STATES PATENT NUMBER 7,116,862**

Plaintiff Cheetah Omni LLC (“Cheetah”), on the one hand, and defendant Mitsubishi Digital Electronics America, Inc. (“Mitsubishi”), on the other hand, through their respective counsel of record, hereby stipulate and agree as follows:

WHEREAS, on October 7, 2009, counsel for Cheetah sent counsel for Mitsubishi a document entitled Cheetah Omni LLC’s Covenant Not to Sue Mitsubishi Digital Electronics America, Inc. For Infringement of U.S. Patent No. 7,116,862 (“the ’862 patent”), which was signed by Dr. Mohammed Islam, Cheetah’s sole member, and which is attached hereto as Exhibit A in which Cheetah covenanted that it would not sue Mitsubishi for infringement of U.S. Patent No. 7,116,862 based on the making, using, selling, offering for sale or importing of any Mitsubishi display products, including but not limited to televisions and projectors, now or in the future; and

WHEREAS Cheetah’s covenant renders moot any actual controversy regarding the ’862 patent and divests the Court of subject matter jurisdiction; and

WHEREAS the parties do not intend this Order to have any effect on claims and counterclaims pertaining to U.S. Patent No. 7,339,714;

NOW, THEREFORE, in light of the foregoing, the parties stipulate and agree to a Proposed Order that reads as follows:

- 1) This Order dismisses with prejudice any claims that have been brought or could have been brought by Cheetah against Mitsubishi with regard to the '862 patent;
- 2) Based on Cheetah's covenant not to sue for infringement of the '862 patent based on any display products made, sold or imported by Mitsubishi now or in the future, this Order dismisses with prejudice any counterclaims that have been brought by Mitsubishi against Cheetah with regard to the '862 patent.
- 3) This Order is not an adjudication on the merits of any of the claims or counterclaims that are hereby dismissed.
- 4) Pursuant to Fed. R. Civ. P. 15(a), the pleadings in this case are hereby amended to reflect this Order.
- 5) Each party bears its own costs, expenses, and attorneys' fees with respect to claims related to the '862 patent.

Dated: October 8, 2009

Respectfully submitted,

s/ Nicole Smith

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 8th day of October 2009. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Nicole Smith